

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR 14-415 JAP

PHILIP MADDALENI,

Defendant.

**UNOPPOSED MOTION TO VACATE SENTENCING HEARING**

Defendant Philip Maddaleni, by and through his attorney John F. Robbenhaar, respectfully requests this Court to vacate the sentencing hearing presently scheduled for January 15, 2015. As grounds in support, the Defendant states as follows:

1. Mr. Maddaleni is pending sentencing on his guilty plea to possession with intent to distribute (methamphetamine).
2. Mr. Maddaleni remains in the custody of the United States Marshal.
3. The Pre-Sentence Investigation Report was disclosed to the parties on or about December 23, 2014. Undersigned counsel requires additional time to complete his investigation into the PSR and prepare objections, if necessary. Counsel intends to meet with Mr. Maddaleni to review the PSR and prepare a sentencing memorandum.
4. Because sentencing is scheduled to occur just over a week from the date of this filing, the Government would be disadvantaged by not having adequate time to respond to arguments raised in Defendant's sentencing memorandum.
5. Undersigned counsel has contacted Assistant U.S. Attorney Bill Pflugrath as it relates to this motion, and Mr. Pflugrath has no objection to the relief requested herein.

WHEREFORE, for the above stated reasons, the Defendant Philip Maddaleni respectfully requests this Court to vacate the sentencing hearing presently scheduled for January 15, 2015.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER  
111 Lomas NW, Suite 501  
Albuquerque, NM 87102  
(505) 346-2489

filed electronically  
JOHN F. ROBBENHAAR, AFPD  
Attorney for Defendant

I HEREBY CERTIFY THAT on  
January 6, 2015, I filed the  
foregoing electronically through the  
CM/ECF system, which caused AUSA  
Bill Pflugrath to be served  
by electronic means, as more fully  
reflected on the Notice of Electronic Filing.

filed electronically  
JOHN F. ROBBENHAAR